

Title	Electronic Filing and Service (adopt Cal. Rules of Court, rules 2050–2060)
Summary	The proposed new rules 2050–2060 would satisfy the mandate of Code of Civil Procedure section 1010.6(b), which requires the Judicial Council to adopt uniform rules for the electronic filing and service of documents in the trial courts.
Source	Court Technology Advisory Committee
Staff	Jane Evans, 415-865-7414, jane.evans@jud.ca.gov
Discussion	<p>Code of Civil Procedure section 1010.6(b) requires the Judicial Council to adopt uniform rules for the electronic filing and service of documents in the trial courts by January 1, 2003. These rules must conform to the conditions set forth in Code of Civil Procedure section 1010.6.<sup>1</sup></p> <p>The proposed rules define functional rather than technical requirements. Because of the rapid pace of technological development, the Court Technology Advisory Committee decided against including technical requirements in the rules, instead recommending that courts, electronic filers, and vendors comply with the evolving technical standards from the California Electronic Filing Technical Standards (CEFTS) project in their electronic filing procedures.</p> <p><b>Definition of “Close of Business”</b></p> <p>The proposed rules provide that a document filed after the “close of business” is deemed to have been filed on the next court day (see rule 2059(c)). Proposed rule 2050(a) sets forth a definition of “close of business” that is based on the definition provided in Code of Civil Procedure section 1010.6(a)(3). That section defines “close of business” as 5 p.m. or the time at which the court stops accepting filings at its filing counter, whichever is earlier.</p> <p>Some members of the Court Technology Advisory Committee believe that the California electronic filing rules should provide that any document filed before midnight is considered timely filed that day.</p>

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<sup>1</sup> The rules must also include statewide policies on vendor contracts, privacy, and access to public records. Such statewide policies have already been adopted in rules 2070–2076, which go into effect July 1, 2002.

This is the rule in many of the federal courts. The argument in favor of that approach is twofold: (1) such a rule takes full advantage of the efficiency of electronic filing and (2) there should be as much consistency among courts' electronic filing rules as is practicable to avoid confusion by practitioners.

The majority of the committee, however, recommended that electronic filing be available only during the hours a court is open for business. Representatives of some smaller courts expressed their concern that their servers might not be available 24 hours a day to accept electronic filings. There was also concern that there could be potential problems with filings after normal business hours when a court's help desk is not available to provide assistance. Finally, providing for a "close of business" time later than 5 p.m. would conflict with the language of Code of Civil Procedure section 1010.6(a)(3) and presumably would require amendment of that statute.

#### **Definition of "Document"**

Proposed rule 2050(b) provides that documents may be electronically filed on a party's behalf by an agent of the party, in order to include cases in which documents are filed by an electronic filing provider under rule 2055.

#### **Definition of "Electronic Filer"**

Proposed rule 2050(c) defines an electronic filer. The rule does not specify requirements that courts must impose on filers. The rules incorporate the technical standards developed by the California Electronic Filing Technical Standards (CEFTS) Project. Development of the standards is an ongoing cooperative project involving courts, the Administrative Office of the Courts, vendors, and Legal XML, a national organization involved in the definition of electronic filing standards. These standards are available on the California Courts Web site at [www.courtinfo.ca.gov/programs/efiling](http://www.courtinfo.ca.gov/programs/efiling). It is anticipated that each court will have a registration form on the court's electronic filing site, requiring basic identifying information (for example: name, address, telephone number, e-mail address, and state bar number) that the person must submit before he or she may electronically file documents with the court.

Registration is a means of facilitating the two levels of access to electronic filings. Parties and attorneys generally have unlimited

access, while the public may not have access to specified documents. It is also a means of facilitating the payment of applicable filing fees by requiring the electronic filer to provide information necessary to facilitate payment of these fees, such as the filer's credit card number or bank account number for an electronic fund transfer.

The rule does not specify a registration requirement to allow for some differences among the courts as to the procedure they might wish to employ and to allow for changes in technology. For example, the rule does not require the use of a password and logon (although courts may choose to use this method of identification) because changes in technology might make other approaches preferable. Finally, registration should not be a barrier that makes access more difficult than for a paper filer.

### **Definition of “Electronic Service”**

Proposed rule 2050(e) indicates that electronic service will generally be by transmission of a document to a party's electronic mail address as provided in rule 2060. However, rule 2053 provides that in any action or proceeding a court may order that all documents must be filed and served electronically and that confirmation of the filing, when sent to all parties, may constitute service on all parties on receipt of the confirmation. This method of service has been used in many of the federal courts.

### **Court Order Requiring Electronic Filing and Service**

Proposed rule 2053 would authorize the court to order all parties in all actions and proceedings to file documents electronically in the proceedings, as long as the court's order does not cause undue hardship or significant prejudice to any party in the action.

Under rules 2052(f) and 2056(b)(2), a court may allow a party to file documents in paper form, even when the court has entered an order requiring the electronic filing of documents, when it is not feasible to convert the documents to electronic form by scanning, imaging, or other means.

Proposed rule 2053 also provides that the court's order requiring electronic filing and service may provide that the confirmation of filing, when served on all parties, constitutes service of the filing. This procedure is used in a number of federal courts.

## **Technical Problems That Preclude Electronic Filing**

Proposed rule 2054(c) provides that a court must take reasonable steps to provide notice to electronic filers of any problem with the court's electronic filing system that impedes or precludes electronic filing. Proposed rule 2059(d) provides that when a technical problem with the court's electronic filing system precludes the court from accepting electronic filings on a particular court day, the court must deem a filing received on that day when the filer can satisfactorily demonstrate that he or she attempted to file on that day. This provision does not apply to the complaint or other filing that initiates an action or proceeding; that is, it does not extend the time within which an action or proceeding must be filed.

## **Electronic Filing Providers**

Proposed rule 2055(a) provides that a court may contract with one or more electronic filing service providers to furnish and maintain an electronic filing system for the court and may require parties who wish to electronically file documents with the court to do so by transmitting their documents to such a provider. This rule uses the term "electronic filing provider" (EFP), which is based on the term used by the California Electronic Filing Technical Standards Project to refer to business entities that provide electronic filing services and support to their customers (filers). They provide a means for filers to submit documents to courts, to electronically forward those filings to courts, and to direct responses from courts back to the respective filers. The rule does not use the term "electronic filing *service* provider," which has been used in some local court rules governing electronic filing, to make it clear that such an entity is not a process server, but is a filing facilitator.

The Court Technology Advisory Committee recommends that courts require EFPs to comply with the technical standards set forth on the California Courts Web site at [www.courtinfo.ca.gov/programs/efiling](http://www.courtinfo.ca.gov/programs/efiling).

Proposed rule 2055(d) requires an EFP to give the filer notice of receipt of any document the filer has transmitted to the EFP. When a document is filed directly with the court, and not through an EFP, the court is required to give the filer notice of receipt of the filing and confirmation of the filing or notice of rejection of the filing, in accordance with rule 2059(a) and (b).

## **Information Required for Case Processing**

Proposed rule 2056(a)(2) requires electronic filers to furnish the information that a court requires for case processing. It contemplates that certain standalone data may be needed by a court's case management system and the Judicial Branch Statistical Information System (JBSIS). The Court Technology Advisory Committee recommends that courts require electronic filers to submit the information required by the technical standards set forth on the California Courts Web site at [www.courtinfo.ca.gov/programs/efiling](http://www.courtinfo.ca.gov/programs/efiling).

## **Electronic Mail Addresses**

Proposed rule 2056(a)(4) requires electronic filers to furnish one or more electronic mail addresses that the court will use to send notice of receipt and confirmation of filing under rule 2059(a) and at which the filer agrees to accept electronic service under rule 2060(a). This rule does not specify the means by which electronic mail addresses are to be furnished to the court. They might be set forth in the caption or header of a document, or included in the electronic filing envelope.

## **Format of Documents**

Proposed rule 2056(b) does not prescribe a particular format in which documents must be submitted for filing with the court. The Court Technology Advisory Committee recommends that courts require electronic filers to use one of the file formats set forth in the technical standards on the California Courts Web site at [www.courtinfo.ca.gov/programs/efiling](http://www.courtinfo.ca.gov/programs/efiling). These standards suggest file formats that (1) are nonproprietary, (2) are readily usable by courts, (3) are readily generated by filers and/or electronic filing providers, (4) have modest storage requirements, and (5) satisfy courts' archival requirements. The standards propose that the following document formats are acceptable: (1) PDF (Adobe's Portable Document Format), which is also a standard of the National Institute of Standards and Technology; (2) TIFF (Tagged Image File Format); and (3) XML (eXtensible Markup Language), in content models approved by the Judicial Council and with a related style sheet if the appearance of the document is a consideration.

Proposed rule 2056(b)(2) provides that by January 1, 2007, any document format adopted by a court must allow for full text searching. It is the consensus of the Court Technology Advisory

Committee that full text searching should be mandatory. However, the committee also recognizes that a number of courts have adopted TIFF for their electronic filing systems, which does not provide for full text searching. The purpose of the phase-in period for full text searching, as specified in the rule, is to allow courts time to make their systems compliant with this requirement.

### **Signatures**

Proposed rule 2057(d) provides that, consistent with Code of Civil Procedure section 1010.6(a)(2), the use of a “digital signature” on electronically filed documents is not required.

### **Actions by Court on Receipt of Electronic Filing**

Proposed rule 2059(a) requires the court to give an electronic filer notice of receipt of any document the filer has transmitted to the court for filing and confirmation of the filing once the court has determined that the document complies with filing requirements and that any required filing fees have been paid. When a document is submitted for filing with an electronic filing provider, the provider is required to give the filer notice of receipt of the filing and confirmation of the filing or notice of rejection of the filing by the court, in accordance with rule 2055(d).

Attachment

Rules 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, and 2060 of the California Rules of Court would be adopted, effective January 1, 2003, to read:

**DIVISION VIb. Rules for Fax and Electronic Filing and Service**

**CHAPTER 1. Fax Filing and Service Rules \*\*\***

**CHAPTER 2. Electronic Filing and Service Rules [~~Reserved~~]**

**Rule 2050. Definitions**

As used in this chapter, unless the context requires otherwise:

**(a) [Close of business]** “Close of business” is 5 p.m. or any other time on a court day, as defined in Code of Civil Procedure section 133, at which the court stops accepting documents for filing at its filing counter. A court must provide notice of its close of business time. A court may give this notice in any manner it deems appropriate.

**(b) [Document]** A document is a pleading, paper, declaration, exhibit, or other filing submitted by a party or by an agent of a party on the party’s behalf. A document may be in paper or electronic form.

**(c) [Electronic filer]** An electronic filer is a party filing a document with the court in electronic form.

**(d) [Electronic filing]** Electronic filing is the online transmission to a court of a document in electronic form.

**(e) [Electronic service]** Electronic service is the online transmission of a document to a party’s electronic mail address for the purpose of effecting service.

**(f) [Party]** A party is a person appearing in any action or proceeding in pro per or an attorney of record for a party in any action or proceeding.

**(g) [Regular filing hours]** Regular filing hours are the hours that a court accepts documents for filing.

**(h) [These rules]** “These rules” are the rules in this chapter.

1  
2 Advisory Committee Comment  
3

4 The Court Technology Advisory Committee recommends that electronic filers as  
5 defined in rule 2050(c) comply with the technical standards set forth on the  
6 California Courts Web site at [www.courtinfo.ca.gov/programs/efiling](http://www.courtinfo.ca.gov/programs/efiling).  
7  
8

9 **Rule 2051. Authority and purpose**  
10

11 These rules are adopted under Code of Civil Procedure section 1010.6 and  
12 the authority granted to the Judicial Council by the California Constitution,  
13 article VI, section 6. They govern electronic filing and service of documents  
14 in the superior court.  
15  
16

17 **Rule 2052. Documents that may be filed electronically**  
18

19 (a) **[In general]** A court may permit electronic filing of a document in any  
20 action or proceeding unless electronic filing is expressly prohibited by  
21 these rules or other legal authority.  
22

23 (b) **[Wills]** In a probate action or proceeding that requires the filing of an  
24 original will, an electronic filer may file a scanned copy of a will if the  
25 original will is filed with the court within 10 days.  
26

27 (c) **[Application for waiver of court fees and costs]** A court may permit  
28 electronic filing of an application for waiver of court fees and costs in  
29 any proceeding in which the court accepts electronic filings.  
30

31 (d) **[Orders and judgments]** The court may electronically file any notice,  
32 order, minute order, judgment, or other document prepared by the court.  
33

34 (e) **[Effect of document filed electronically]**  
35

36 (1) A document that the court or a party files electronically under  
37 these rules has the same legal effect as a document in paper form.  
38

39 (2) Filing a document electronically does not alter any filing deadline.  
40

41 (f) **[Filing documents in paper form]** When it is not feasible for a party  
42 to convert a document to electronic form by scanning, imaging, or other  
43 means, a court may allow a party to file the document in paper form.



1 **Rule 2053. Court order requiring electronic filing and service**

2  
3 A court may order all parties in any action or proceeding to file and serve all  
4 documents electronically, after finding that such an order would not cause  
5 undue hardship or significant prejudice to any party. The court's order may  
6 also provide that:

7  
8 (1) Documents previously filed in paper form may be resubmitted in  
9 electronic form; and

10  
11 (2) When confirmation of filing is sent by the court to all parties,  
12 receipt of the confirmation constitutes service of the filing.  
13

14  
15 **Rule 2054. Responsibilities of the court**

16  
17 **(a) [Internet-accessible system]**

18  
19 (1) A court that orders electronic filing must allow for filing over the  
20 Internet by means designed to assure the security and integrity of a  
21 transmission.

22  
23 (2) The court may make an exception to Internet transmission if doing  
24 so facilitates the management of a particular action or proceeding  
25 and does not cause undue prejudice to any party.  
26

27 **(b) [Publication of electronic filing requirements]** A court that permits  
28 electronic filing must publish, both electronically and in printed form,  
29 the court's electronic filing requirements.  
30

31 **(c) [Problems with electronic filing]** If a court is aware of a problem that  
32 impedes or precludes electronic filing during the court's regular filing  
33 hours, it must promptly take reasonable steps to provide notice of the  
34 problem.  
35

36 **(d) [Public access to electronically filed documents]** Except as provided  
37 in rules 2070 through 2076, an electronically filed document is a public  
38 document at the time it is filed unless it is sealed under rule 243.2(b) or  
39 made confidential by law.  
40  
41  
42  
43

1 **Rule 2055. Contracts with electronic filing providers**

2  
3 **(a) [Right to contract]**

4  
5 (1) A court may contract with one or more electronic filing providers  
6 to furnish and maintain an electronic filing system for the court.

7  
8 (2) If the court contracts for an electronic filing provider, it may  
9 require electronic filers to transmit the documents to the provider.

10  
11 **(b) [Provisions of contract]** The court's contract with an electronic filing  
12 provider may allow the provider to charge electronic filers a reasonable  
13 fee in addition to the court's filing fee. The contract may also allow the  
14 electronic filing provider to make other reasonable requirements for use  
15 of the electronic filing system.

16  
17 **(c) [Transmission of filing to court]** An electronic filing provider must  
18 immediately transmit any electronic filing, with the applicable filing  
19 fee, to the court.

20  
21 **(d) [Confirmation of receipt and filing of document]**

22  
23 (1) An electronic filing provider must promptly send an electronic filer  
24 confirmation of receipt of any document that the filer has  
25 transmitted to the provider for filing with the court.

26  
27 (2) Confirmation must be sent to the filer's electronic mail address and  
28 must indicate the date and time of receipt, in accordance with rule  
29 2059(a).

30  
31 (3) After reviewing the documents, the court must promptly transmit  
32 to the provider and the electronic filer the court's confirmation of  
33 filing or notice of rejection of filing in accordance with rule 2059.

34  
35 **(e) [Ownership of information]** Any contract between a court and an  
36 electronic filing provider must acknowledge that the court is the owner  
37 of the contents of the filing system and has the exclusive right to control  
38 its use.

39  
40 *Advisory Committee Comment*

1 The Court Technology Advisory Committee recommends that electronic filing  
2 providers comply with the technical standards set forth on the California  
3 Courts Web site at [www.courtinfo.ca.gov/programs/efiling](http://www.courtinfo.ca.gov/programs/efiling).  
4  
5

6 **Rule 2056. Responsibilities of an electronic filer**  
7

8 **(a) [Conditions of filing]** An electronic filer agrees to, and must:  
9

- 10 (1) Comply with any court requirements designed to assure the  
11 integrity of electronic filing;
- 12  
13 (2) Furnish information the court requires for case processing;
- 14  
15 (3) Take all reasonable steps to ensure that the filing does not contain  
16 computer code, including viruses, that might be harmful to the  
17 court's electronic filing system and to other users of that system;
- 18  
19 (4) Furnish one or more electronic mail addresses, in the manner  
20 specified by the court, at which the electronic filer agrees to accept  
21 service; and
- 22  
23 (5) Immediately provide the court and parties with any change to his  
24 or her electronic mail address.
- 25

26 **(b) [Format of documents to be filed electronically]** A document that is  
27 filed electronically with the court must be in a format specified by the  
28 court, unless the document cannot be created in that format. The format  
29 adopted by a court must meet the following requirements:  
30

- 31 (1) The software for creating and reading the document must be in the  
32 public domain or generally available at a reasonable cost.
- 33  
34 (2) By January 1, 2007, any format adopted by the court must allow  
35 for full text searching. Documents unavailable in a format that  
36 permits full text searching must be scanned or imaged as required  
37 by the court, unless the court orders that scanning or imaging  
38 would be unduly burdensome. By January 1, 2007, such scanning  
39 or imaging must allow for full text searching to the extent feasible.
- 40  
41 (3) The document, when printed, must be displayed without loss of  
42 document content, format, or appearance.  
43

1 Advisory Committee Comment

2  
3 The Court Technology Advisory Committee recommends that electronic filers  
4 comply with the technical standards set forth on the California Courts Web site at  
5 www.courtinfo.ca.gov/programs/efiling.  
6

7  
8 **Rule 2057. Requirements for signatures on documents**  
9

10 **(a) [Documents under penalty of perjury]**  
11

- 12 (1) When a document to be filed electronically is required to be signed  
13 under penalty of perjury, the document is deemed signed by the  
14 declarant if, before filing, the declarant has signed a printed form  
15 of the document.  
16  
17 (2) By electronically filing the document, the electronic filer indicates  
18 that he or she has complied with subdivision (a)(1) of this rule and  
19 that the original signed document is available for review and  
20 copying at the request of the court or any party.  
21  
22 (3) At any time after the document is filed, any other party may serve  
23 a demand for production of the original signed document. The  
24 demand must be served on all other parties but need not be filed  
25 with the court.  
26  
27 (4) Within five days of service of the demand, the party on whom the  
28 demand is made must make the original signed document available  
29 for review and copying by all other parties.  
30

31 **(b) [Documents not under penalty of perjury]** If a document is not  
32 required to be signed under penalty of perjury, the document is deemed  
33 signed by the party if the document is filed electronically.  
34

35 **(c) [Documents requiring signatures of opposing parties]** When a  
36 document to be filed electronically requires the signatures of opposing  
37 parties, such as a stipulation, the following procedure applies:  
38

- 39 (1) The party filing the document must obtain the signatures of all  
40 parties on a printed form of the document.  
41

1           (2) The party filing the document must maintain the original signed  
2           document and must make it available for review and copying as  
3           provided in subdivision (a)(2).

4  
5           (3) By electronically filing the document, the electronic filer indicates  
6           that all parties have signed the document and that the filer has the  
7           signed original in his or her possession.

8  
9           (d) [Digital signature] A party is not required to use a digital signature on  
10          an electronically filed document.

11  
12  
13 **Rule 2058. Payment of filing fees**

14  
15          (a) [Use of credit cards and other methods] A court may permit the use  
16          of credit cards, debit cards, electronic fund transfers, or debit accounts  
17          for the payment of filing fees associated with electronic filing. A court  
18          may also authorize other methods of payment.

19  
20          (b) [Fee waiver] Eligible persons may seek a waiver of court fees and  
21          costs, as provided in rule 2052(c).

22  
23  
24 **Rule 2059. Actions by court on receipt of electronic filing**

25  
26 **(a) [Confirmation of receipt and filing of document]**

27  
28          (1) When a document is filed electronically with the court directly and  
29          not through an electronic filing provider, the court must promptly  
30          send the electronic filer confirmation of receipt of the document,  
31          indicating the date and time of receipt. If the document complies  
32          with filing requirements and all required filing fees have been paid,  
33          the court must promptly send the electronic filer confirmation that  
34          the document has been filed.

35  
36          (2) The confirmation must indicate the date and time of filing and is  
37          proof that the document was filed on the date and time specified.  
38          The confirmation must also specify:

39  
40                  (A) Any transaction number associated with the filing;

41  
42                  (B) The title of the documents filed;  
43

1                   (C) The size of the file received;

2  
3                   (D) The fees assessed for the filing.

4  
5           (3) The court's confirmation to the electronic filer will be to the  
6 electronic mail address the filer has furnished to the court in  
7 accordance with rule 2056(a)(4). The court must maintain a record  
8 of the confirmation of receipt and filing. In the absence of  
9 confirmation of receipt and filing, there is no presumption that the  
10 court received and filed the document. Verification of the receipt  
11 and filing of any document by the court is the responsibility of the  
12 electronic filer.

13  
14   **(b) [Notice of rejection of document for filing]** If a document is not filed  
15 by the clerk because it does not comply with applicable filing  
16 requirements or the required filing fee has not been paid, the court must  
17 promptly send notice to the electronic filer. The notice must set forth  
18 the reasons the document was rejected for filing.

19  
20   **(c) [Document filed after close of business]** A document that is  
21 electronically filed with the court after the close of business is  
22 considered to have been filed on the next court day.

23  
24   **(d) [Delayed delivery]** If a technical problem with respect to a court's  
25 electronic filing system precludes the court from accepting an electronic  
26 filing during its regular filing hours on a particular court day, the court  
27 must deem the filing received on that day when the electronic filer can  
28 demonstrate that he or she attempted to file on that day. This provision  
29 does not apply to the complaint or other initial pleading in an action or  
30 proceeding.

31  
32   **(e) [Endorsement]**

33  
34           (1) The court's endorsement of a document electronically filed must  
35 contain the following: "Electronically filed by Superior Court of  
36 California, County of \_\_\_\_\_, on \_\_\_\_\_ [date]," followed by the  
37 name of the court clerk.

38  
39           (2) This endorsement has the same force and effect as a manually  
40 affixed endorsement stamp with the signature and initials of the  
41 court clerk.

1           (3) A complaint or other initial pleading in an action or proceeding  
2           that is filed and endorsed electronically may be printed and served  
3           on the defendant or respondent in the same manner as if it had  
4           been a paper filing.

5  
6           **(f) [Issuance of electronic summons]**

7  
8           (1) On the electronic filing of a complaint, petition, or other document  
9           that must be served with a summons, the court may transmit a  
10          summons electronically to the electronic filer.

11  
12          (2) The summons must contain an image of the court's seal and the  
13          assigned case number.

14  
15          (3) Personal service of a printed form of the electronic summons has  
16          the same legal effect as personal service of an original summons.

17  
18  
19          **Rule 2060. Electronic service**

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21          **(a) [Applicability]**

22  
23          (1) When a notice may be served by mail, express mail, overnight  
24          delivery, or facsimile transmission, electronic service of the notice  
25          is permitted.

26  
27          (2) A party agrees to accept electronic service by:

28  
29                  (A) Filing and serving a notice that the party accepts electronic  
30                  service. The notice must include the electronic mail  
31                  addresses at which the party agrees to accept service; or

32  
33                  (B) Electronically filing any document with the court. By the act  
34                  of electronic filing, the party agrees to accept service at any  
35                  electronic mail address the party has furnished to the court in  
36                  accordance with rule 2056(a)(4).

37  
38  
39          **(b) [When service is complete]**

40  
41          (1) Electronic service is complete at the time of transmission.  
42

1           (2) If a document is filed electronically, any period of notice, or any  
2           right or duty to act or respond within a specified period or on a  
3           date certain after service of the document, is extended by two court  
4           days.

5  
6           (3) The extension under subdivision (b)(2) does not extend the time  
7           for filing:

8  
9           (A) A notice of intention to move for a new trial;

10  
11           (B) A notice of intention to move to vacate the judgment under  
12           Code of Civil Procedure section 663a: or

13  
14           (C) A notice of appeal.

15  
16           (4) Service that occurs after the close of business is considered to have  
17           occurred on the next court day.

18  
19           **(c) [Proof of service]**

20  
21           (1) Proof of electronic service may be made by any of the methods  
22           provided in Code of Civil Procedure section 1013(a), except that  
23           the proof of service must state:

24  
25           (A) The electronic mail address of the person making the service  
26           in place of that person's residence or business address;

27  
28           (B) The date and time of the electronic service in place of the date  
29           and place of deposit in the mail;

30  
31           (C) The name and electronic mail address of the person served in  
32           place of that person's name and address as shown on the  
33           envelope; and

34  
35           (D) That the document was served by electronic mail and the  
36           transmission was reported as complete and without error in  
37           place of the statement that the envelope was sealed and  
38           deposited in the mail with postage thereon fully prepaid.

39  
40           (2) Proof of electronic service may be made in electronic form, and  
41           may be filed electronically with the court.  
42



1           (3) In accordance with rule 317(c), proof of service of the moving  
2           papers must be filed at least five calendar days before the hearing.

3  
4           (4) The party filing the proof of service must maintain the printed  
5           form of the document bearing the declarant's original signature  
6           and must make the document available for review and copying on  
7           the request of the court or any party to the action or proceeding in  
8           which it is filed in accordance with rule 2057(a).

9  
10       **(d) [Change of electronic mail address]**

11  
12           (1) A party whose electronic mail address changes while the action or  
13           proceeding is pending must promptly file a notice of change of  
14           address with the court electronically and must serve this notice on  
15           all other parties or their attorneys of record.

16  
17           (2) An electronic mail address is presumed valid for a party if the  
18           party files electronic documents with the court from that address  
19           and has not filed and served notice that the address is no longer  
20           valid.

21  
22       **(e) [Electronic service by court]** A court may electronically serve any  
23       notice, order, judgment, or other document prepared by the court in the  
24       same manner that parties may serve documents by electronic service.